

United States Court of Appeals For the First Circuit

No. 22-1645

NICHOLAS A. GLADU,

Plaintiff - Appellant,

ZACHARY SWAIN; ROBERT J. CARROLL; RYAN LANE; JACOB ZERNICKE;
ANTHONY J. HARDY,

Plaintiffs,

v.

MAINE DEPARTMENT OF CORRECTIONS; RANDALL LIBERTY, in his official capacity as Commissioner of Maine Department of Corrections; MATTHEW MAGNUSSON, individually and in his official capacity as Warden of Maine State Prison; TROY ROSS, individually and in his official capacity as Deputy Warden of Security of Maine State Prison; ANTHONY CANTILLO, individually and in his official capacity as Deputy Warden of Programs and Services of Maine State Prison; HEATHER RICHARDSON, individually and in her official capacity as Unit Manager at Maine State Prison; JOHN DOES 1-12, individually and in their official capacities; WELLPATH LLC; AMANDA SEIRUP, individually and in her official capacity as Clinical Supervisor for Wellpath LLC; JASCHA PROPP, individually and in his official capacity as Director of Behavioral Health Services for Wellpath LLC; HAROLD ABBOTT, individually and in his official capacity as Unit Manager at Maine State Prison; KYLE RUFFNER, individually and in his official capacity as Unit Sergeant for SMU A-1 and A-2 600 Building; ROBYN HODGES, individually and in her official capacity as Regional Behavioral Health Director for Wellpath LLC; JAMES FINE, individually and in his official capacity as Psychiatrist for Wellpath LLC; JOHN MOES 1-5, individually and in their official capacities,

Defendants - Appellees,

DANIEL RITTER, individually and in his official capacity as Health Services Administrator for Wellpath LLC; JOHN NEWBY, individually and in his official capacity as Regional Vice President for Wellpath LLC; RYAN THORNELL, individually and in his official capacity as Deputy Commissioner of Maine Department of Corrections,

Defendants.

Before

Gelpí, Howard and Rikelman,
Circuit Judges.

JUDGMENT

Entered: April 4, 2024

We have considered the parties' submissions and the record. In view of the parties' settlement of this case and the Stipulations of Dismissal filed in the district court on August 15, 2023 and August 21, 2023, this appeal is dismissed as moot. See, e.g., Villeneuve v. Avon Prod., Inc., 977 F.3d 89, 92–93 (1st Cir. 2020) (per curiam) ("the undisputed fact of settlement moots any case or controversy, requiring dismissal of this appeal"). All pending motions are also denied as moot.

The appeal is dismissed. Each party shall bear its own costs.

By the Court:

Maria R. Hamilton, Clerk

cc:

Nicholas A. Gladu
Alexis Garmey Chardon
Zachary Swain
Robert J. Carroll
Ryan Lane
Jacob Zernicke
Anthony J. Hardy
Alexander Beals
Elizabeth Knox Peck
Benjamin J. Wahrer